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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,799	10/25/2001	Robert A. Beck	WOW-002XX	7498

207 7590 05/06/2003

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BOSTON, MA 02109

EXAMINER
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TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/055,799

Applicant(s)

BECK ET AL.

Examiner

Cephia D. Toomer

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 10, 11, 14, 16, 17, 19-22, 24-26, 29-33, 38-42, 47 and 48 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 9, 12, 13, 15, 18, 23, 27, 28, 34-37, 43-45 and 49-56 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 7. 6) ☐ Other: \_\_\_\_

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## DETAILED ACTION

### *Specification*

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 6, 10, 11, 16, 17, 20, 21, 25, 29, 30, 32, 38, 39, 40, 41, 42, 46 and 57 are rejected under 35 U.S.C. 102(e) as being anticipated by Bendiner (US 6,500,360).

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Bendiner teaches an aqueous solution that prevents corrosion of metal surfaces, wherein the solution contains water (a polar liquid inherently capable of forming a moisture retentive barrier over the metal surface) and more than 0.3% potassium sorbate (2,4-hexadienoic acid K salt) (see abstract; col. 1, lines 15-25; col. 2, lines 15-29; col. 4, lines 15-36; Figs 10-17). The composition may be prepared as a concentrate (see claim 3).

Accordingly, Bendiner teaching all the limitations of the claims, anticipates the claims.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 6, 10, 14, 19-21, 25, 29, 30, 32, 38, 39, 40, 41, 46, 48 and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Stricklin (US 4,374,174).

Stricklin teaches compositions and sheet materials (plastic or paper) for inhibiting corrosion of metals wherein the composition comprises an alkali salt of sorbic acid and a solvent (water, mineral spirits, alcohols) (see abstract; col. 1, lines 57-68). These polar and non-polar solvents are inherently capable of forming a moisture retentive barrier over the metal surface. The sorbic acid salt is present in the composition in an amount from 10 to 70% (see col. 2, lines 1-5).

Accordingly, Stricklin teaching all the material limitations of the claims, anticipates the claims.

5. Claims 1, 3,4, 6, 7, 10, 11, 14, 16, 17, 20, 22, 24-26, 29-33, 41, and 45-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Treybig (US 4,676,834).

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Treybig teaches a composition suitable for use as a corrosion inhibitor for metal parts (see abstract; col. 1, lines 14-58; col. 2, lines 26-41). The corrosion inhibitor may be a compound containing a 2,4-trans,trans-hexadiene moiety (see col. 5, lines 46-56). The corrosion inhibitor is dispersed or dissolved in a carrier liquid or solvent such as water, alcohol, aromatic and aliphatic hydrocarbons (see col. 6, lines 56-63). The composition may contain demulsifiers, wetting agents, surfactants, viscosifiers, other corrosion inhibitors and other components known in the art (see col. 6, lines 64-68). The corrosion inhibitor is present in the composition in an amount from about 5 to about 50,000 ppm (see col. 7, lines 1-20). The corrosion inhibitors are stable at high temperatures and pressures and are suitable for use in oil and/or oil drilling and other related applications (see col. 7, lines 21-31; col. 12, lines 46-54). The carrier liquids, solvents and other additives are inherently capable of forming a moisture retentive barrier over the metal surface because they fall under the category of polar or non-polar liquids, viscous materials, organic liquids and polymeric materials.

Accordingly, Treybig teaching all the material limitations of the claims, anticipates the claims.

6. Claims 5, 8, 9, 12, 13, 15, 18, 23, 27, 28, 34-37, 43-45, and 49-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach or suggest the claimed methods or compositions wherein the anti-corrosion agent is in the form of a powder, is prepared for delayed

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release or encapsulated. The prior art also fails to teach or suggest a further coating step or that the material that is protected from corrosion is a grain, plastic or wood. The prior art also fails to teach applying the anti-corrosion composition in the preparation of the substance.

The prior art made of record and not relied upon is cited for teaching anti-corrosion compositions containing potassium sorbate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 703-308-2509. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Cephia D. Toomer  
Primary Examiner  
Art Unit 1714

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May 5, 2003